

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6830**

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In Re: EDNA MARIE HICKS,

Petitioner.

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On Petition for Writ of Mandamus. (CR-99-195-DKC; CA-02-2235-DKC-8)

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Submitted: August 18, 2004

Decided: September 8, 2004

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Before WIDENER and MICHAEL, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Edna Marie Hicks, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Edna Marie Hicks petitions this court for a writ of mandamus to compel the district court to rule on her pending motion under 28 U.S.C. § 2255 (2000). The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Hicks' petition does not set forth exceptional circumstances as would warrant the issuance of a writ of mandamus at this time. We note, however, that no significant action has been taken in the district court for over seven months.

Accordingly, we deny Hicks' mandamus petition without prejudice to her refiling it should the district court fail to act within a reasonable time. We grant Hicks' application to proceed on appeal in forma pauperis and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED